

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

Samuel Hryncewiz)	
)	
Plaintiff)	
)	No. 1-24-cv-263
v.)	
)	
City of Jasper, et al.)	
)	
Defendants)	

FED. R. CIV. P. 26(F) REPORT

The Plaintiff, Samuel Hryncewiz, and Defendants, City of Jasper, Justin Graham, and Derrick Long submit this discovery plan, pursuant to Fed. R. Civ. P. 26(F).

1. **Synopsis of the Case and General Claims and Defenses.** This is a civil rights action brought pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution.

The Plaintiff alleges that he was the passenger in a vehicle that was stopped by Derrick Long of the Jasper Police Department on or about August 5, 2023. The Plaintiff alleges that during the course of the stop, he was unreasonably seized by the alleged use of excessive force by Derrick Long and/or Justin Graham. The Plaintiff also alleges that his arrest for the charges of resisting stop, halt, frisk and arrest, disorderly conduct and assault were without probable cause. The Plaintiff alleges further that the City of Jasper maintained an unlawful policy, procedure or custom of unreasonable and excessive force against detainees and arrestees and a policy, procedure or custom of unlawful arrests for disorderly conduct and overcharging for resisting arrest.

The Defendants allege that the use of force against the Plaintiff was reasonable under the totality of the circumstances. Defendants would show that when they approached the vehicle in which the Plaintiff was a passenger, they observed what appeared to be a semi-automatic rifle in the back seat. Defendants would show the Plaintiff quickly admitted that he had been drinking, and he appeared to be intoxicated. Defendants would show the Plaintiff resisted Derrick Long and Justin Graham's lawful orders and physically resisted Justin Graham's lawful attempts to remove the Plaintiff from the vehicle. Thereby, Defendants aver the use of force against the Plaintiff was reasonable and that the charges against the Plaintiff were supported by probable cause.

Derrick Long and Justin Graham rely upon the defense of qualified immunity.

The City of Jasper submits its policies, procedures and customs were at all times lawful.

2. **Estimated Length of Trial.** The parties estimate that the trial should take from 2 to 3 days.

3. **Consent to Magistrate.** The parties do not consent to magistrate jurisdiction.

4. **Initial Disclosures.** The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) on or before **October 9, 2024**.

5. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

a. Discovery will be needed on the following subjects: Allegations contained in the Complaint, issues of liability, Plaintiffs' alleged damages, and defenses to Plaintiff's claims for liability and damages. The parties will confer with one another to arrange deposition discovery and other discovery by agreement to the extent possible.

- b. The disclosure or discovery of electronically stored information is not anticipated to be an issue in this case. To the extent that disclosure or discovery of such information becomes an issue, the parties will confer over the proper handling of the same and will supplement this Discovery Plan accordingly.
 - c. The parties agree that claims of attorney-client privilege or of protection as trial preparation material, including procedures to assert these claims after production, should be governed by Rule 26(b)(5).
 - d. The parties will proceed with discovery in accordance with Fed. R. Civ. P. 26 and the Scheduling Order to be entered in this case.
6. **Settlement Prospects.** The possibility of settlement of this action is unknown at this time. The parties will make a meaningful effort to resolve this matter after some discovery has occurred and will confer in good faith about the feasibility of mediation.
- 7.

SAMUEL HRYNCEWIC

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